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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,007	10/16/2008	Niels Erik Jorgensen	CM05749EC	5073
22917 7590 10/11/2011 MOTOROLA SOLUTIONS, INC. IP Law Docketing 1303 EAST ALGONQUIN ROAD IL01/11th Floor SCHAUMBURG, IL 60196			EXAMINER LEE, JOHN J	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 10/11/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/573,007	Applicant(s) JORGENSEN, NIELS ERIK	
	Examiner JOHN J. LEE	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-26 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☒ Claim(s) 1-17 is/are allowed.
- 7) ☒ Claim(s) 18-21, 23 and 25 is/are rejected.
- 8) ☒ Claim(s) 22, 24 and 26 is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/21/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 18-21, 23, and 25** are rejected under 35 U.S.C. 102(b) as being anticipated by Pinder et al. (US 5,742,904).

Regarding **claim 18**, Pinder teaches mobile station (Fig. 1, 3) comprises means for signal transmission (communication signal), means for signal reception (see Fig. 1, 3), a microphone, an audio processing circuitry (talk group, push to talk), a keypad, a microprocessor (controller), a memory (memory), a localization circuitry, and an emergency switch being adapted to initiate transmission of an emergency message (Fig. 1, 3 and column 3, lines 1 – column 4, lines 12, where teaches detailing mobile subscriber unit for communicating group talk or push to talk), Pinder teaches that the emergency message (emergency message, call, comprises local identifier, originating the emergency call, identification information, ID of subscriber unit, emergency guest identifier, emergency affiliation information or other useful information for emergency), and determined comprising localization data, an ID of said mobile station and an indication that said emergency message is an emergency message (see Fig. 1, 3, column 3, lines 24 – 46, and column 4, lines 13 – column 5, lines 32).

Regarding **claim 19**, Pinder teaches being adapted to receive emergency messages from other mobile stations (Fig. 1 teaches transmitting other subscriber unit) (Fig. 1, 3, column 3, lines 24 – 46, and column 4, lines 13 – column 5, lines 32).

Regarding **claim 20**, Pinder teaches being adapted to send its ID and localization data in response to emergency message received from any one of said other mobile stations (Fig. 1, 3, column 3, lines 24 – 46, and column 4, lines 13 – column 5, lines 32, where teaches responding the emergency message, call, transmitting local identifier, originating the emergency call, identification information, ID of subscriber unit, emergency guest identifier, emergency affiliation information or other useful information for emergency).

Regarding **claim 21**, Pinder teaches being adapted to receive response to emergency message from said other mobile stations (Fig. 1, 3, column 3, lines 24 – 46, and column 4, lines 13 – column 5, lines 32).

Regarding **claim 23**, Pinder teaches the microprocessor is adapted to store in said memory localization data and IDs (controller controls to store information (ID and other information) in memory) received from said other mobile stations (Fig. 1, 3, column 3, lines 24 – column 4, lines 29, and column 5, lines 15 - 32).

Regarding **claim 25**, Pinder teaches the localization circuitry is a Global Positioning System unit (Fig. 1, 3, column 3, lines 24 – 46, and column 4, lines 13 – column 5, lines 32).

Allowable Subject Matter

3. Claims 1 - 17 are allowed.

Claims 1 - 17 are allowable over the prior art of record because a search does not detect the combined claimed elements as set forth in the claims 1 - 17.

As recited in independent claim 1, none of the prior art of record teaches or fairly suggests that a method of automatic creation of a talk group in a wireless radio communication system comprising the steps of transmitting by a first mobile station an emergency message, wherein said emergency message comprises a first mobile station ID, localization data, and an indication that said emergency message is an emergency message, transmitting by other mobile stations said other mobile stations IDs and localization data in response to said emergency message, creating said talk group by selecting said other mobile stations which transmitted said other mobile stations IDs and localization data, and together with combination of other element as set forth in the claims 1 - 17. Therefore, claims 1 - 17 are allowable over the prior art of records.

4. Claims 22, 24, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose the limitation “the microprocessor is adapted to calculate distances between said first mobile station and any one of said other mobile stations which have responded to said emergency message and create a talk group

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comprising other mobile stations based on said calculated distances” as specified the claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ablay et al. (US 6,002,941) discloses Implementing a Service in a Wireless Communication System.

Tanaka et al. (US 2002/0090954) discloses Connecting Proximately Located Mobile Users Based on Compatible Attributes.

Information regarding...Patent Application Information Retrieval (PAIR) system... at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

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Or: (703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay Maung**, can be reached on **(571) 272-7882**. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L
September 30, 2011

John J Lee

/JOHN LEE/
Primary Examiner, Art Unit 2618